



General Assembly

January Session, 2011

***Raised Bill No. 1199***

LCO No. 4757

\*04757\_\_\_\_\_HS\_\*

Referred to Committee on Human Services

Introduced by:  
(HS)

***AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND  
FAMILIES' REGIONAL STRUCTURE, DIFFERENTIAL RESPONSE,  
AND POVERTY EXEMPTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 17a-3 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2011*):

4 (a) The department shall plan, create, develop, operate or arrange  
5 for, administer and evaluate a comprehensive and integrated  
6 state-wide program of services, including preventive services, for  
7 children and youths whose behavior does not conform to the law or to  
8 acceptable community standards, or who are mentally ill, including  
9 deaf and hearing impaired children and youths who are mentally ill,  
10 emotionally disturbed, substance abusers, delinquent, abused,  
11 neglected or uncared for, including all children and youths who are or  
12 may be committed to it by any court, and all children and youths  
13 voluntarily admitted to, or remaining voluntarily under the  
14 supervision of, the commissioner for services of any kind. Services  
15 shall not be denied to any such child or youth solely because of other

16 complicating or multiple disabilities. The department shall work in  
17 cooperation with other child-serving agencies and organizations to  
18 provide or arrange for preventive programs, including, but not limited  
19 to, teenage pregnancy and youth suicide prevention, for children and  
20 youths and their families. The program shall provide services and  
21 placements that are clinically indicated and appropriate to the needs of  
22 the child or youth. In furtherance of this purpose, the department  
23 shall: (1) Maintain the Connecticut Juvenile Training School and other  
24 appropriate facilities exclusively for delinquents; (2) develop a  
25 comprehensive program for prevention of problems of children and  
26 youths and provide a flexible, innovative and effective program for the  
27 placement, care and treatment of children and youths committed by  
28 any court to the department, transferred to the department by other  
29 departments, or voluntarily admitted to the department; (3) provide  
30 appropriate services to families of children and youths as needed to  
31 achieve the purposes of sections 17a-1 to 17a-26, inclusive, as amended  
32 by this act, 17a-28 to 17a-49, inclusive, as amended by this act, and  
33 17a-51; (4) establish incentive paid work programs for children and  
34 youths under the care of the department and the rates to be paid such  
35 children and youths for work done in such programs and may provide  
36 allowances to children and youths in the custody of the department;  
37 (5) be responsible to collect, interpret and publish statistics relating to  
38 children and youths within the department; (6) conduct studies of any  
39 program, service or facility developed, operated, contracted for or  
40 supported by the department in order to evaluate its effectiveness; (7)  
41 establish staff development and other training and educational  
42 programs designed to improve the quality of departmental services  
43 and programs, provided no social worker trainee shall be assigned a  
44 case load prior to completing training, and may establish educational  
45 or training programs for children, youths, parents or other interested  
46 persons on any matter related to the promotion of the well-being of  
47 children, or the prevention of mental illness, emotional disturbance,  
48 delinquency and other disabilities in children and youths; (8) develop  
49 and implement aftercare and follow-up services appropriate to the

50 needs of any child or youth under the care of the department; (9)  
51 establish a case audit unit to monitor each [area] regional office's  
52 compliance with regulations and procedures; (10) develop and  
53 maintain a database listing available community service programs  
54 funded by the department; (11) provide outreach and assistance to  
55 persons caring for children whose parents are unable to do so by  
56 informing such persons of programs and benefits for which they may  
57 be eligible; and (12) collect data sufficient to identify the housing needs  
58 of children served by the department and share such data with the  
59 Department of Economic and Community Development.

60 Sec. 2. Section 17a-9 of the general statutes is repealed and the  
61 following is substituted in lieu thereof (*Effective July 1, 2011*):

62 (a) The commissioner shall appoint, after consultation with the state  
63 advisory council, and may remove in a like manner, two deputy  
64 commissioners who shall be in the unclassified service. The deputy  
65 commissioner for program services shall be a clinically competent  
66 professional person experienced in one or more fields of children's  
67 services and in the administration of such services, and shall be  
68 responsible for the supervision of all clinical treatment and program  
69 services of the department. The deputy commissioner of  
70 administrative services shall have experience in business or  
71 institutional administration and shall be responsible for the  
72 organizational and general administrative services of the department.

73 (b) The commissioner shall appoint, [in accordance with chapter 67,]  
74 after consultation with the state advisory council, and may remove in  
75 like manner, [such] not more than two program directors [as the  
76 commissioner deems necessary] who shall be in the unclassified  
77 service, provided [any director's] the title or duties of any director  
78 appointed pursuant to this subsection may be changed as the  
79 commissioner deems necessary after consultation with the state  
80 advisory council. Such directors may oversee community programs  
81 and services and the operation of institutions and facilities.

82 (c) The commissioner shall, in accordance with chapter 67 and after  
83 consultation with the state advisory council, appoint the  
84 administrative heads of all of the institutions and facilities transferred  
85 to the department and such other institutions and facilities as now are  
86 or hereafter may be established by or transferred to the department.  
87 Such administrative heads shall have skill and experience in the  
88 administration of children's services and shall manage their  
89 institutions and facilities in accordance with the regulations and orders  
90 of the commissioner.

91 (d) The commissioner shall, after consultation with the state  
92 advisory council, appoint and may remove in a like manner, up to six  
93 regional directors who shall be in the unclassified service. Each  
94 regional director shall have skill and experience in the field of  
95 children's services and in the administration of such services. Each  
96 regional director shall be subject to the direction of the commissioner  
97 and shall be responsible for the operation and administration of  
98 services provided or funded by the department in the regions created  
99 by the commissioner pursuant to subsection (a) of section 17a-30, as  
100 amended by this act.

101 Sec. 3. Section 17a-22b of the general statutes is repealed and the  
102 following is substituted in lieu thereof (*Effective July 1, 2011*):

103 (a) Each community collaborative shall, within available  
104 appropriations, (1) complete a local needs assessment which shall  
105 include objectives and performance measures, (2) specify the number  
106 of children and youths requiring behavioral health services, and (3)  
107 specify the number of children and youths actually receiving  
108 community-based and residential services and the type and frequency  
109 of such services. Each community collaborative shall submit its local  
110 needs assessment to the Commissioner of Children and Families and  
111 the Commissioner of Social Services.

112 (b) The [area] regional offices of the Department of Children and  
113 Families shall contract with lead service agencies, within available

114 appropriations, to coordinate the care of all children and youths  
115 enrolled in Connecticut Community KidCare residing within their  
116 designated catchment areas, including children and youths with  
117 complex behavioral health service needs. The lead service agencies  
118 shall employ or subcontract for the employment of care coordinators to  
119 assist families in establishing and implementing individual service  
120 plans for children and youths with complex behavioral health service  
121 needs and to improve clinical outcomes and cost effectiveness. Parents  
122 shall be afforded a choice of contracted providers for authorized  
123 services.

124 (c) Each community collaborative may establish the number of  
125 members and the type of representatives to ensure that the  
126 membership of such collaborative is appropriately balanced. The chief  
127 elected officers of municipalities served by a community collaborative  
128 may designate a member to serve as a representative of the chief  
129 elected officials. A community collaborative, at a minimum, shall  
130 consist of representatives from the local or regional board of education,  
131 special education program, youth services bureau, local departments  
132 of social services and public health, representatives from private  
133 organizations serving children and youths and a substantial number of  
134 parents of children and youths with behavioral health needs. A  
135 community collaborative shall participate in the [area] regional  
136 advisory councils established under section 17a-30, as amended by this  
137 act, provide outreach to community resources, coordinate behavioral  
138 health services by forming, with the consent of the family, child  
139 specific teams for children and youths with complex behavioral health  
140 service needs, conduct community need assessments to identify  
141 service gaps and service barriers, identify priority investment areas for  
142 the state and lead service agencies and provide public education and  
143 support. A community collaborative shall establish a governance  
144 structure, determine membership and identify or establish a fiscal  
145 agent.

146 (d) The Commissioner of Children and Families and the

147 Commissioner of Social Services shall, within available appropriations,  
148 provide or arrange for the administrative services necessary to operate  
149 Connecticut Community KidCare.

150 Sec. 4. Section 17a-22d of the general statutes is repealed and the  
151 following is substituted in lieu thereof (*Effective July 1, 2011*):

152 The Commissioner of Children and Families may, within available  
153 appropriations, provide financial assistance for the establishment of an  
154 organization, with local chapters in each [area] region served by the  
155 Department of Children and Families, that shall provide family-to-  
156 family support and family advocates for children, youths and their  
157 families, and when requested by the family, assist the family with the  
158 individual service plan process and otherwise encourage active family  
159 participation in treatment and Connecticut Community KidCare  
160 planning. Such organization shall assure that families have input into  
161 the development and implementation of their individual service plans,  
162 including those established pursuant to section 17a-127, and into  
163 policy and planning for, and the implementation and evaluation of,  
164 Connecticut Community KidCare.

165 Sec. 5. Section 17a-30 of the general statutes is repealed and the  
166 following is substituted in lieu thereof (*Effective July 1, 2011*):

167 (a) The commissioner shall create distinct service [areas] regions and  
168 shall create in each such [area, an area] region, a regional advisory  
169 council to advise the commissioner and the [area] regional director on  
170 the development and delivery of services of the department in that  
171 [area] region and to facilitate the coordination of services for children,  
172 youths and their families in the [area] region.

173 (b) Each [area] regional advisory council shall consist of no more  
174 than twenty-one persons, a majority of whom shall be persons who  
175 earn less than fifty per cent of their salaries from the provision of  
176 services to children, youths and their families, and the balance  
177 representative of private providers of human services throughout the

178 [area] region. The commissioner, or the commissioner's designee, shall  
 179 appoint one-third of the representatives of each group for a term of  
 180 three years, one-third for a term of two years, and one-third for a term  
 181 of one year. No person may serve more than two consecutive three-  
 182 year terms. All subsequent appointments to replace those whose terms  
 183 have expired shall be for a term of three years. No person may serve  
 184 on more than one [area] regional advisory council at a time. The [area]  
 185 regional director shall make a good faith effort to ensure that, to the  
 186 extent possible, the membership is qualified and closely reflects the  
 187 gender and racial diversity of the [area] region. All members shall  
 188 serve without compensation. Each [area] regional advisory council  
 189 shall elect two cochairpersons. Each [area] regional advisory council  
 190 shall meet at least quarterly, or more often at the call of the  
 191 cochairpersons or a majority of the council members. The [area]  
 192 regional director, or a designee of the [area] regional director, shall be  
 193 an ex-officio member of the council without the right to vote. Any  
 194 member who fails to attend three consecutive meetings or fifty per cent  
 195 of all meetings during any calendar year shall be deemed to have  
 196 resigned. A majority of the members in office, but not less than six  
 197 members, shall constitute a quorum.

198 Sec. 6. Section 17a-55 of the general statutes is repealed and the  
 199 following is substituted in lieu thereof (*Effective July 1, 2011*):

200 The Commissioner of Children and Families shall implement a  
 201 system of awarding grants to community service programs whereby  
 202 such programs are funded proportionate to their effectiveness in  
 203 treating clients of the department. The evaluation of a program shall be  
 204 based on (1) an analysis of program outcomes; (2) an assessment of  
 205 regional needs for treatment services; [in each service delivery area;]  
 206 and (3) the availability of the program to clients of the department. The  
 207 Department of Children and Families shall collect, maintain and  
 208 analyze the data to be used in the evaluation process on an ongoing  
 209 basis. The commissioner shall impose a probationary period on a  
 210 program found to be ineffective and shall propose requirements for the

211 improvement of such a program. The commissioner shall determine  
212 the length of the probationary period and shall cease to fund a  
213 program which has not met the proposed requirements for  
214 improvement within such period.

215 Sec. 7. Section 17a-101g of the general statutes is repealed and the  
216 following is substituted in lieu thereof (*Effective July 1, 2011*):

217 (a) Upon receiving a report of child abuse or neglect, as provided in  
218 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which  
219 the alleged perpetrator is (1) a person responsible for such child's  
220 health, welfare or care, (2) a person given access to such child by such  
221 responsible person, or (3) a person entrusted with the care of a child,  
222 the Commissioner of Children and Families, or the commissioner's  
223 designee, shall cause the report to be classified and evaluated  
224 immediately. If the report contains sufficient information to warrant an  
225 investigation, the commissioner shall make the commissioner's best  
226 efforts to commence an investigation of a report concerning an  
227 imminent risk of physical harm to a child or other emergency within  
228 two hours of receipt of the report and shall commence an investigation  
229 of all other reports within seventy-two hours of receipt of the report. A  
230 report classified as lower risk may be referred for family assessment  
231 and services pursuant to subsection (g) of this section. Any such report  
232 may thereafter be referred for standard child protective services if  
233 safety concerns for the child become evident. A report referred for  
234 standard child protective services may be referred for family  
235 assessment and services at any time if the department determines there  
236 is a lower risk to the child. The department shall complete any such  
237 investigation not later than forty-five calendar days after the date of  
238 receipt of the report. If the report is a report of child abuse or neglect in  
239 which the alleged perpetrator is not a person specified in subdivision  
240 (1), (2) or (3) of this subsection, the Commissioner of Children and  
241 Families shall refer the report to the appropriate local law enforcement  
242 authority for the town in which the child resides or in which the  
243 alleged abuse or neglect occurred.



244 (b) The investigation shall include a home visit at which the child  
245 and any siblings are observed, if appropriate, a determination of the  
246 nature, extent and cause or causes of the reported abuse or neglect, a  
247 determination of the person or persons suspected to be responsible for  
248 such abuse or neglect, the name, age and condition of other children  
249 residing in the same household and an evaluation of the parents and  
250 the home. The report of such investigation shall be in writing. The  
251 investigation shall also include, but not be limited to, a review of  
252 criminal conviction information concerning the person or persons  
253 alleged to be responsible for such abuse or neglect and previous  
254 allegations of abuse or neglect relating to the child or other children  
255 residing in the household or relating to family violence. After an  
256 investigation into a report of abuse or neglect has been completed, the  
257 commissioner shall determine, based upon a standard of reasonable  
258 cause, whether a child has been abused or neglected, as defined in  
259 section 46b-120, as amended by this act. If the commissioner  
260 determines that abuse or neglect has occurred, the commissioner shall  
261 also determine whether: (1) There is an identifiable person responsible  
262 for such abuse or neglect; and (2) such identifiable person poses a risk  
263 to the health, safety or well-being of children and should be  
264 recommended by the commissioner for placement on the child abuse  
265 and neglect registry established pursuant to section 17a-101k. If the  
266 commissioner has made the determinations in subdivisions (1) and (2)  
267 of this subsection, the commissioner shall issue notice of a  
268 recommended finding to the person suspected to be responsible for  
269 such abuse or neglect in accordance with section 17a-101k.

270 (c) Except as provided in subsection (d) of this section, no entry of  
271 the recommended finding shall be made on the child abuse or neglect  
272 registry and no information concerning the finding shall be disclosed  
273 by the commissioner pursuant to a check of the child abuse or neglect  
274 registry or request for information by a public or private entity for  
275 employment, licensure, or reimbursement for child care purposes  
276 pursuant to programs administered by the Department of Social  
277 Services or pursuant to any other general statute that requires a check

278 of the child abuse or neglect registry until the exhaustion or waiver of  
279 all administrative appeals available to the person suspected to be  
280 responsible for the abuse or neglect, as provided in section 17a-101k.

281 (d) If the child abuse or neglect resulted in or involves (1) the death  
282 of a child; (2) the risk of serious physical injury or emotional harm of a  
283 child; (3) the serious physical harm of a child; (4) the arrest of a person  
284 due to abuse or neglect of a child; (5) a petition filed by the  
285 commissioner pursuant to section 17a-112 or 46b-129; or (6) sexual  
286 abuse of a child, entry of the recommended finding may be made on  
287 the child abuse or neglect registry and information concerning the  
288 finding may be disclosed by the commissioner pursuant to a check of  
289 the child abuse or neglect registry or request for information by a  
290 public or private entity for employment, licensure, or reimbursement  
291 for child care purposes pursuant to programs administered by the  
292 Department of Social Services or pursuant to any other general statute  
293 that requires a check of the child abuse or neglect registry, prior to the  
294 exhaustion or waiver of all administrative appeals available to the  
295 person suspected to be responsible for the abuse or neglect as provided  
296 in section 17a-101k.

297 (e) If the Commissioner of Children and Families, or the  
298 commissioner's designee, has probable cause to believe that the child  
299 or any other child in the household is in imminent risk of physical  
300 harm from the child's surroundings and that immediate removal from  
301 such surroundings is necessary to ensure the child's safety, the  
302 commissioner, or the commissioner's designee, shall authorize any  
303 employee of the department or any law enforcement officer to remove  
304 the child and any other child similarly situated from such  
305 surroundings without the consent of the child's parent or guardian.  
306 The commissioner shall record in writing the reasons for such removal  
307 and include such record with the report of the investigation conducted  
308 under subsection (b) of this section.

309 (f) The removal of a child pursuant to subsection (e) of this section

310 shall not exceed ninety-six hours. During the period of such removal,  
311 the commissioner, or the commissioner's designee, shall provide the  
312 child with all necessary care, including medical care, which may  
313 include an examination by a physician or mental health professional  
314 with or without the consent of the child's parents, guardian or other  
315 person responsible for the child's care, provided reasonable attempts  
316 have been made to obtain consent of the child's parents or guardian or  
317 other person responsible for the care of such child. During the course  
318 of a medical examination, a physician may perform diagnostic tests  
319 and procedures necessary for the detection of child abuse or neglect. If  
320 the child is not returned home within such ninety-six-hour period,  
321 with or without protective services, the department shall proceed in  
322 accordance with section 46b-129.

323 (g) (1) Notwithstanding the provisions of subsections (a) to (f),  
324 inclusive, of this section, the commissioner may establish a program of  
325 differential response to reports of child abuse and neglect whereby the  
326 report may be referred to appropriate community providers for family  
327 assessment and services without an investigation or at any time during  
328 an investigation, provided there has been an initial safety assessment  
329 of the circumstances of a family and child and criminal background  
330 checks have been performed on all adults involved in the report.

331 (2) The commissioner may adopt regulations in accordance with the  
332 provisions of chapter 54 to establish a method for the department to  
333 monitor the progress of the child and family referred to a community  
334 provider pursuant to subdivision (1) of this subsection and to set  
335 standards for reopening an investigation pursuant to this section.

336 (3) Consistent with the provisions of section 17a-28, the department  
337 shall disclose all relevant information in its possession concerning the  
338 child and family, including prior child protection activity, to each  
339 provider to whom a report has been referred for use by the provider in  
340 the assessment, diagnosis and treatment of unique needs of the family  
341 and the prevention of future reports. Each provider who has received a

342 report of child abuse or neglect referred pursuant to this subsection  
 343 shall disclose to the department, consistent with the provisions of  
 344 section 17a-28, all relevant information gathered during assessment,  
 345 diagnosis and treatment of the child and family. The department may  
 346 use such information solely to monitor and ensure the continued safety  
 347 and well-being of the child or children.

348 Sec. 8. Subdivision (8) of section 46b-120 of the general statutes is  
 349 repealed and the following is substituted in lieu thereof (*Effective July*  
 350 *1, 2011*):

351 (8) A child or youth may be found "neglected" who, for reasons  
 352 other than being impoverished, (A) has been abandoned, (B) is being  
 353 denied proper care and attention, physically, educationally,  
 354 emotionally or morally, (C) is being permitted to live under conditions,  
 355 circumstances or associations injurious to the well-being of the child or  
 356 youth, or (D) has been abused;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	17a-3(a)
Sec. 2	<i>July 1, 2011</i>	17a-9
Sec. 3	<i>July 1, 2011</i>	17a-22b
Sec. 4	<i>July 1, 2011</i>	17a-22d
Sec. 5	<i>July 1, 2011</i>	17a-30
Sec. 6	<i>July 1, 2011</i>	17a-55
Sec. 7	<i>July 1, 2011</i>	17a-101g
Sec. 8	<i>July 1, 2011</i>	46b-120(8)

**Statement of Purpose:**

To change the Department of Children and Families' structure from an area structure to a regional structure, to provide for a differential response by the department and to provide for a poverty exception to the definition of "neglected".

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*